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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CENTER FOR BIOLOGICAL DIVERSITY
et al.,

Plaintiffs,

v.

MICHAEL S. REGAN, in his official capacity
as Administrator of the United States
Environmental Protection Agency,

Defendant.

Case No. 3:22-cv-03309-RS

**JOINT STIPULATION TO SET A
DEADLINE FOR AMENDED
PLEADINGS AND EXTEND THE
ANSWER OR OTHER RESPONSIVE
PLEADING DUE DATE, CONTINUE
CASE MANAGEMENT CONFERENCE,
AND ORDER**

1 Defendant Michael S. Regan, in his official capacity as the Administrator of the United
2 States Environmental Protection Agency (“EPA”), and Plaintiffs Center for Biological Diversity
3 and Center for Environmental Health (collectively, “Plaintiffs”), hereby stipulate to and request
4 that the Court enter an order setting a deadline for Plaintiffs to file an amended complaint and
5 continuing the Case Management Conference (“CMC”) set for September 15, 2022 to October
6 13, 2022 at 10:00 a.m. by video teleconference. In support of this request, Plaintiffs and EPA
7 (collectively, the “Parties”) state as follows:

8 1. Pursuant to Fed. R. Civ. P. 4(i)(A) and 12(a)(2), Defendant’s answer or other
9 responsive pleading to Plaintiffs’ Complaint (Dkt. No. 1) is due August 16, 2022, *see* Dkt.
10 No. 16.

11 2. Plaintiffs sent a 60-day notice of intent to sue letter dated July 5, 2022 and intend
12 to amend the Complaint to add claims relating to some or all of the allegations in the notice letter
13 (the “NOI”).

14 3. Pursuant to 42 U.S.C. § 7604(b)(2), the 60-day period for the NOI runs no earlier
15 than September 3, 2022.

16 4. The Parties stipulate to and request that the Court set a deadline of September 9,
17 2022 for Plaintiffs to amend the pleadings.

18 5. The Parties further stipulate to and request that the Court extend the deadline for
19 EPA to file an answer or other responsive pleading to and including September 30, 2022.

20 6. On June 14, 2022, the Court entered a notice setting the Initial CMC for
21 September 15, 2022 at 10:00 a.m. (Dkt. No. 14) with the Case Management Statement due
22 September 8, 2022.

23 7. EPA’s lead counsel is not available on September 15, 2022 because of a
24 preplanned vacation out of the country.

25 8. The Parties request that the Initial CMC be held after EPA has responded to
26 Plaintiffs’ amended pleading and on a date that EPA’s counsel is available.
27
28

9. Therefore, the Parties stipulate to and respectfully request that the Court continue the Initial CMC to October 13, 2022 at 10:00 a.m. by video teleconference with the Case Management Statement due October 6, 2022.

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Respectfully submitted,

Date: July 27, 2022

/s/ Robert Ukeiley (email authorization 7/27/22)

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Date: July 30, 2022

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/s/ Leslie M. Hill

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ORDER

Pursuant to stipulation and for good cause shown, Plaintiffs will file any amended pleadings by September 9, 2022, EPA's answer or other responsive pleading is due by September 30, 2022, the case management conference set for September 15, 2022 is continued to October 13, 2022 at 10:00 a.m. by video teleconference, and the case management statement is due October 6, 2022.

IT IS SO ORDERED.

Dated: 8/3/2022



Richard Seeborg
Chief United States District Judge